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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,750	06/29/2001	Katsuya Suzuki	01395/LH	8196
1933	7590	01/20/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			MIZRAHI, DIANE D	
ART UNIT		PAPER NUMBER		
2175				
DATE MAILED: 01/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/897,750	SUZUKI, KATSUYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	DIANE D. MIZRAHI	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 October 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 33-47 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 33-47 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

DIANE D. MIZRAHI  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_

**III. DETAILED ACTION**

Claims 33-47 are presented for examination.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the 'basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 33-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al. (U.S. Patent No. 6,253,214 and Hall hereinafter).

Regarding Claim 33, Hall teaches a medical data preservation system comprising:

a medical device which outputs electronic medical data including medical information having medical images and management information generated in a medical institution over a communication line; (Figure 1, 300);

a medical data receiver which automatically receives the electronic medical data after completion of an inspection over the communication line; (i.e. client-server architecture) (Figure 2, 230 & 3 10);

a medical data storage unit capable of storing the electronic data received by the medical data receiver; (Figure 1, 310)

a storage condition designating unit for use in designating a condition for storage in the medical data storage unit; (i.e. server) (Figure 1, 310);

and a controller for controlling a data-stored state of the medical data storage unit according to the condition for storage designated by the storage condition designating unit (Figure 2, 340).

Regarding Claim 34, Hall teaches wherein the electronic medical data is stored by a controller both in the medical data

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storage unit and in an external recording medium in accordance with the storage condition designated by the storage condition designating unit (Figure 1, 300).

Regarding Claim 35, Hall teaches wherein the electronic medical data is stored as medical-record-formed medical information data (Figures 3 or Figure 4) in the medical data storage unit by the controller in accordance with the storage condition designating unit (Figure 1, 310).

Regarding Claim 36, Hall teaches wherein the medical-record-formed medical information data (Figures 3 and Figure 4) is outputted in accordance with individual patient identifying information included in the management information (Figure 4, Col 4, lines 58-67; see also col 5, lines 1-2).

Regarding Claim 37, Hall teaches a converter which converts the outputted medical record-formed medical data (Figures 3 or Figure 4) into a patient-understandable form (i.e. exam backup, or daily backup, Col 3, lines 64-67).

Regarding Claim 38, Hall teaches wherein the patient-understandable for is one of: (i) printed and mailed to the

patient and (ii) transmitted via a terminal having the individual patient identifying information (Figure 1, 300; see also col 3, lines 20-27).

Regarding Claim 39, Hall teaches generating electronic medical data including medical information having medical images and management information (Figure 1, 100; see Figures 3 and 4);

outputting the electronic medical data over a communication line; (Figure 2, 100);

automatically receiving the electronic medical data over the communication line after completion of an inspection; (Figure 1, 300);

storing the received medical data in a medical data storage unit; (Figure 1, 320 and 330)

designating a condition for storage in the medical data storage unit; (Figure 2, 100);

and controlling a data-stored state of the medical data storage unit according to the designated condition for storage (Figure 2, 340).

Regarding Claim 40, Hall teaches wherein the electronic medical data is stored both in the medical data storage unit and

in an external recording medium in accordance with the designated storage condition (Figure 1 and Figure 2).

Regarding Claim 41, Hall teaches wherein the electronic medical data is stored as medical-record-formed medical information data in the medical data storage unit in accordance with the designated storage condition (Figure 3 and Figure 4).

Regarding Claim 42, Hall teaches wherein the medical-record-formed medical information data is outputted in accordance with individual patient identifying information included in the management information (Figure 3 and Figure 4; see also Figure 2, 340).

Regarding Claim 43, Hall wherein the outputted medical-record-formed medical information data is converted into a patient-understandable form (i.e. exam backup, or daily backup, Col 3, lines 64-67).

Regarding Claim 44, Hall teaches wherein the patient-understandable form is one of: (i) printed and mailed to the patient and (ii) transmitted via a terminal having the

individual patient identifying information (Figure 1, 300; see also col 3, lines 20-27).

Regarding Claims 45-47, the limitations are similar in scope to the rejected claims above and are therefore rejected as set forth above.

**Other Prior Art Made of Record**

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (703) 305-3806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9000 for regular communications and (703) 305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.



\_\_\_\_\_  
Diane Mizrahi  
Primary Patent Examiner  
Technology Center 2100

December 18, 2003